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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/766,972 01/22/01 GIELDA

T V200-0035

EXAMINER

MORROW, J

ART UNIT

PAPER NUMBER

3612

DATE MAILED:

11/07/01

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PM82/1107

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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# Office Action Summary

Application No.

09/766,972

Applicant(s)

GIELDA, THOMAS PAUL

Examiner

Jason S. Morrow

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-- Th MAILING DATE of this communication appears on the cover sheet with th correspond nc address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear in claims 9 and 17 what applicant is claiming, a window made of glass or a window made of a composite glass/polycarbonate material.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobes et al. in view of Lisec and Farmer.

Re claims 1 and 2, Cobes et al. discloses a thermally energy efficient vehicle comprising a vehicle structure, wherein the vehicle structure includes generally interconnected structural members (10, 14) that form a frame for the vehicle and generally planar interconnected panels that define a shape of the vehicle and an energy efficient thermal management system providing exterior thermal management and interior thermal management for the vehicle (inherent to the

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vehicle), wherein the energy efficient thermal management system consumes less thermal energy as a result of the increased thermal resistance of the vehicle. A thermally efficient structural material (aluminum, column 1, lines 53-61) is utilized for a structural member to reduce a thermal mass of the structural member. A thermal energy consumption capacity of the energy efficient thermal management system is reduced by increasing the thermal resistance of the vehicle (an inherent consequence of having a more energy efficient vehicle is that a thermal energy management system would consume less energy).

Cobes et al. does not disclose the use of a low transmittance glass window.

Farmer et al. teaches the use a low transmittance glass window positioned within a vehicle structure, wherein the low transmittance glass window increases a thermal resistance of the vehicle.

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that disclosed by Cobes et al., to include a low transmittance glass window positioned within a vehicle structure, wherein the low transmittance glass window increases a thermal resistance of the vehicle, as taught by Farmer et al., in order to reduce the amount of heat in the vehicle on hot days (Farmer et al., column 1, lines 28).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobes et al. and Farmer et al., as applied to claim 1, 2, and 10 above, and further in view of Li.

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Cobes et al. and Farmer et al. disclose all the limitations of the claims, as applied above, except for an energy efficient insulator attached to a portion of the vehicle structure to increase a thermal resistance of the vehicle.

Li teaches an energy efficient insulator attached to a portion of a vehicle structure to increase a thermal resistance of a vehicle (the dash board would necessarily provide some measure of heat and sound insulation), the insulator providing a thermal and acoustic barrier and being gas-filled (filled with air, a necessary consequence of being hollow).

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that above, to include an energy efficient insulator attached to a portion of the vehicle structure to increase a thermal resistance of the vehicle, the insulator providing a thermal and acoustic barrier and being gas-filled, as taught by Li, in order to provide a dashboard for the vehicle.

7. Claims 6-9, 11, and 15-18 are, as best understood, rejected under 35 U.S.C. 103(a) as being unpatentable over Cobes et al. and Farmer et al., as applied to claims 1, 2, and 10 above, and further in view of Lisec.

Cobes et al. and Farmer et al. disclose all the limitations of the claims above, except for the low transmittance glass window including two parallel sheets of glass separated by an air gap.

Lisec teaches the use of a glass window including two parallel sheets of glass separated by an air gap (figure 5).

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that above, to include a glass window including two parallel sheets of glass separated by an air

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gap, as taught by Lisec, in order to provide the vehicle with good sound and thermal insulating properties (Lisec, column 1, lines 38-44).

Re claims 8 and 16, Cobes et al., Farmer et al., and Lisec, disclose all the limitations of the claims, as applied above, except for the use of a desiccant material between the parallel sheets of glass.

The use of desiccants in double pane glass window applications is old and well known in the art.

It would have been obvious to one of ordinary skill in the art to modify a window assembly having to parallel sheets of glass, such as that above, to include a desiccant material between the parallel sheets, as is old and well known in the art, to keep the panes of glass from fogging over.

8. Claims 12-14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobes et al., Farmer et al., and Lisec, as applied to claims 11 and 18 above, and further in view of Li.

Cobes et al., Farmer et al., and Lisec disclose all the limitations of the claims, as applied above, except for an energy efficient insulator attached to a portion of the vehicle structure to increase a thermal resistance of the vehicle.

Li teaches an energy efficient insulator attached to a portion of a vehicle structure to increase a thermal resistance of a vehicle, the insulator providing a thermal and acoustic barrier and being gas-filled.

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that above, to include an energy efficient insulator attached to a portion of the vehicle structure

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to increase a thermal resistance of the vehicle, the insulator providing a thermal and acoustic barrier and being gas-filled, as taught by Li, in order to provide a dashboard for the vehicle.

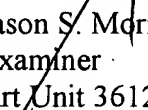
*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Illbruck et al. discloses an insulating sheet for a vehicle. Miyazaki et al. discloses a film for glass.

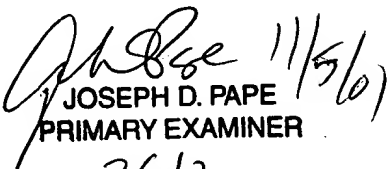
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Jason S. Morrow  
Examiner  
Art Unit 3612

jsm  
November 5, 2001

  
JOSEPH D. PAPE  
PRIMARY EXAMINER  
3612